

ITALY

Letters to the Italian government concerning the G8 policing operation

Text of AI's letter of 10 July 2001 addressed to the Italian Minister of the Interior

Ref.: EUR 30/06.01
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Ministro dell'Interno
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10 July 2001

Dear Minister,

We are writing in connection with the treatment of anti-globalization demonstrators by law enforcement officials.

A mass demonstration which took place in Naples on 17 March 2001, on the occasion of the Third Global Forum, degenerated into violent clashes between certain groups of demonstrators and law enforcement officials, and resulted in injuries to both officers and demonstrators, as well as damage to property. However, at the same time, numerous reports from various sources, including witness and victim accounts and photographic evidence, presented a disturbing picture of widespread abuses and violations of international human rights standards perpetrated against non-violent demonstrators and others by members of the State Police, *Carabinieri* and *Guardia di Finanza*. In a letter addressed to the former Minister of Interior on 27 April 2001, Amnesty International (AI) expressed its deep concern about the allegations. A copy of the letter is attached.

The allegations against law enforcement officials included:

- non-violent protestors, including minors, trapped in a square sealed off by the police, being subjected to indiscriminate assaults by officers using rifle butts and truncheons, kicks, punches and stones, even though in many cases the protestors approached officers with their hands in the air as an indication of peaceful intent;
- the beating of individuals, including journalists, taking photographs or videotaping scenes of use of excessive force by police and the subsequent destruction of their cameras and film;

- failure to provide some injured detainees with prompt and adequate medical care;
- detainees being denied access to a lawyer and not allowed to have a member of the family or third person informed of their whereabouts;
- the ill-treatment of detainees, including minors in police stations. Some of them were reportedly made to kneel on the floor of police stations with their faces to the wall for lengthy periods and subjected to random and deliberate beatings with truncheons, slaps, kicks, punches and verbal insults frequently of an obscene, sexual nature. Many detainees were given intimate body searches and in a number of instances the conduct of officers during body searches appeared deliberately aimed at humiliating and degrading the detainees.

AI called on the former government to establish an independent commission of inquiry to investigate fully and impartially police tactics and behaviour during the Naples demonstration, and sought information on the status of the internal administrative investigation opened in connection with the March demonstration.

In its call for such a commission, AI pointed out that prompt, thorough and impartial investigations, with the methods and findings made public, serve to protect the reputations of law enforcement officers who may be the subject of unfounded accusations of ill-treatment, as well as to safeguard the interests of genuine victims of ill-treatment.

We were most disappointed, therefore, by a written response dated 5 June 2001, sent by the former Minister of Interior. The reply, a copy of which is attached, confirmed that the minister had ordered the opening of an internal administrative investigation into alleged inappropriate use of force or any improper deployment of the police, and indicated that with regard to the individual instances of alleged human rights violations described in AI's letter -- cited only as illustrative examples -- the judicial authorities would investigate those instances where individual complaints had been lodged with the courts or had otherwise come to light.

In AI's view the scope of the investigations indicated is insufficient and they are an inadequate response to the call for a comprehensive investigation carried out by a commission of inquiry, consisting of people of acknowledged independence and probity. Our concern at the failure to establish such a commission and to provide information as to the progress of the administrative investigation, is exacerbated by further allegations of use of excessive force by law enforcement officials during a demonstration which took place in the Port of Naples on 6 July 2001.

The 6 July demonstration was held in connection with presence in the port of the ship *European Vision*, prior to its departure for Genoa where it is destined to accommodate a number of the foreign heads of state and government attending the Group of Eight (G8) summit taking place between 20-22 July. It has been claimed that a number of peaceful demonstrators were subjected to gratuitous violence by police and carabinieri officers wielding batons, even though their superior officers had been heard giving orders not to use them. A 30-year-old lawyer, Pietro Rinaldi, alleged that officers repeatedly struck him with batons after he had fallen to the ground, causing him injuries, in particular to his head and back. Following his transfer to the emergency department of the Cardarelli hospital for treatment, a medical certificate was issued, apparently recording injuries consistent with his allegations and estimating that he would require some 12 days to recover from them. According to media reports, the Naples Chief of Police subsequently indicated that, if evidence of wrongdoing by officers were to emerge, then the officers would be subject to disciplinary action.

We would be grateful for confirmation that an administrative investigation has been opened into the incidents at the port on 6 July. We would also welcome your cooperation in providing AI with information on the progress of the administrative inquiry opened following the Naples demonstration of 17 March, and on any decisions taken as to whether or not any officers involved in the events will be subject to disciplinary proceedings and/or will have their cases referred to the courts for criminal investigation.

At the same time we renew our call for the establishment of an independent commission of inquiry to carry out a comprehensive inquiry into the incidents relating to the Naples demonstration of 17 March. A positive response by your government would be particularly welcome in the run-up to the G8 summit in Genoa and the planned mass demonstrations by anti-globalization protestors.

AI recognizes the steps taken by the Italian authorities to enter into dialogue with the anti-globalization movement before the G8 summit. AI also recognizes that it is the duty of the Italian authorities to ensure the safety and security of participants in the summit as well as of peaceful demonstrators and inhabitants of, and visitors to Genoa. It similarly recognizes that, if violence is used, the authorities must uphold law and order. However, at the same time policing must be carried out with full respect for international human rights standards.

In view of the allegations of human right violations by law enforcement official during recent demonstrations in Italy, and in view of similar allegations made against law enforcement officials in a number of other countries in the context of anti-globalization demonstrations surrounding inter-governmental meetings, AI urges the Italian authorities to ensure that law enforcement officials engaged in policing operations in Genoa next week exercise maximum restraint in their treatment of demonstrators and are aware of,

and act at all times in accordance with, the following international human rights and standards.

- **The right of freedom of expression**, as guaranteed under Article 10 of European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR).
- **The right of freedom of assembly**, as guaranteed under Article 11 ECHR and Article 21 ICCPR.
- **International standards relating to the use of force and firearms by law enforcement officials**, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These standards stipulate, amongst other things, that force should be used only as a last resort, in proportion to the threat posed, and should be designed to minimize damage or injury.

The UN Code of Conduct for Law Enforcement Officials provides in Article 3 that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide in part that:

4. "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result."

5. "Whenever use of force and firearms is unavoidable, law enforcement officials shall:

- a. Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- b. Minimize damage and injury and respect and preserve human life";

8. "Exceptional circumstances such as internal public instability or any other public emergency may not be invoked to justify any departure from these basic principles".

9. "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious

injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

14. "In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in Principle 9."

· **The right not to be subjected to arbitrary arrest or detention** in violation of Article 5 (1) of the ECHR and Article 9 (1) of the ICCPR.

Article 9 (1) of the ICCPR states that "no one shall be subjected to arbitrary arrest or detention." The Human Rights Committee has explained that the term "arbitrary" in this article is not only to be equated with detention which is "against the law", but is to be interpreted more broadly to include elements of inappropriateness, injustice and lack of predictability¹. The ECHR, in Article 5(1), sets out the only permissible circumstances in which people may be deprived of their liberty. The European Court has ruled that "reasonable suspicion" justifying an arrest exists when there are "facts or information which would satisfy an objective observer that the person concerned may have committed the offence"².

· **The rights of people deprived of liberty:**

- *the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment* in violation of Article 7 of the ICCPR and Article 3 ECHR.

The prohibition of torture and ill-treatment is absolute under these articles and no circumstances may be used to justify such treatment. In addition to the ICCPR and ECHR Italy has ratified, and is therefore committed to implement, the provisions of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). This states in Article 2 (2) that: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal

¹ Albert Womah Mukong v. Cameroon (458/1991), 21 July 1994 UN Doc CCPR/C/458/1991, page 12.

² Fox, Campbell and Hartley (18/1989/178/234-236), 30 August 1990, paragraph 32.

political instability or any other public emergency, may be invoked as a justification of torture". All law enforcement officials are prohibited from inflicting, instigating or tolerating torture or other cruel, inhuman or degrading treatment or punishment of any person. This prohibition includes acts which cause mental as well as physical suffering to the victim.

- *the right for relatives or third party to be informed of their whereabouts*, in accordance with Principle 16 (1) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment: "Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody."

- *the right for foreign nationals to contact consular officials*, in accordance with Principle 16 (2) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment which states that:

"If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization."

- *the right of prompt access to a legal counsel of their choice*, in accordance with Principles 1 and 22 of the Basic Principles on the Role of Lawyers:

"All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings".

"Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential."

- *the right of prompt provision of adequate medical care* in accordance with Article 6 of the UN Code of Conduct for Law Enforcement Officials:

"Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required."

- *the right to be duly informed of their rights and of any charge(s) against them in a language they can understand*, in accordance with Article 9(2) of the ICCPR and Article 5 (2) of the ECHR:

"Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."

"Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him."

- *the right to humane conditions of detention* in accordance with Article 10 (1) of the ICCPR:

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

As stated in our April letter, AI recognizes the difficulties faced in policing summits, especially as certain factions are set on causing violence. The organization does not condone violence aimed at police or property, nor does it oppose the lawful use of reasonable force by law enforcement officials. However, we believe that policing must be carried out in such a way as to protect the rights of people engaged in peaceful protest

Copies of this letter are also being sent, for information, to the Ministers of Defence, Finance and Justice.

Yours sincerely,
Kate Gilmore
Interim Secretary General

Text of AI's letter of 31 July 2001 addressed to the Italian Prime Minister

Ref.: TG EUR 30/01.10
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31 July 2001

Dear Prime Minister,

Amnesty International [AI] is writing to express its deep concern about the reports it has received with regard to the conduct of law enforcement and prison officers in the context of the policing operation surrounding the G8 summit in Genoa this month.

In a letter dated 10 July 2001, which AI addressed to the Minister of Interior and copied to the Ministers of Defence, Finance and Justice, the organization urged the Italian authorities to ensure that state officers engaged in G8 policing operations were aware of, and acted at all times in accordance with relevant international human rights standards. AI's letter, a copy of which is attached, set out the provisions of key international human rights standards relating to:

- **the use of force and firearms by law enforcement officials;**
- **the rights of freedom of expression and freedom of assembly;**
- **the right not to be subjected to arbitrary arrest or detention, and**
- **the rights of people deprived of their liberty, including:**
 - *the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment;*
 - *the right for relatives or a third party to be informed of their whereabouts;*
 - *the right for foreign nationals to contact consular officials;*
 - *the right of prompt access to a legal counsel of their choice;*
 - *the right of prompt provision of adequate medical care;*
 - *the right to be duly informed of their rights and of any charge(s) against them in a language they can understand;*
 - *the right to humane conditions of detention.*

However, AI has received, and continues to receive, numerous reports and allegations of the violation of all the above rights in the context of the G8 policing operation. The allegations concern Italian nationals and nationals of a number of other countries (including France, Germany, Greece, Republic of Ireland, Spain, United Kingdom and USA) who were in or travelling to or from Genoa in connection with the G8 demonstrations. We are seeking your cooperation, therefore, in providing the organization with information on any relevant instructions and training which were given to state officers in the lead up to G8 with regard to the international human rights standards detailed in AI's 10 July letter.

As pointed out in the 10 July letter, AI recognizes the difficulties faced in policing summits, especially as certain factions are set on causing violence. Similarly, AI recognizes that it is the duty of the authorities to ensure the safety and security of participants in the summit as well as of peaceful demonstrators and local inhabitants. The organization does not condone violence aimed at law enforcement officers or property, nor does it oppose the lawful use of reasonable force by law enforcement officials. However, as AI's 10 July letter underlined, at the same time, policing must be carried out with full respect for international human rights standards and in such a way as to protect the rights of those people engaged in peaceful protest.

As you will be aware, AI has already expressed public concern about the circumstances in which, on 20 July 2001, Carlo Giuliani, a demonstrator in Genoa was fatally shot by a 20-year-old law enforcement official performing his military service in the carabinieri force. The shooting took place in the context of the anti-globalization demonstrations, some of which degenerated into violence and resulted in significant injuries to people and extensive damage to property.

AI welcomed the news of the prompt opening by the Genoa Prosecutor's office of a criminal investigation into the fatal shooting. AI urges that the investigation be thorough, and impartial, that its scope, methods and findings be made public and that it include a determination about whether the use of lethal force was consistent with the principles established in international human rights instruments regarding the use of force and firearms by law enforcement officials.

As indicated in AI's letter of 10 July, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials define the circumstances under which law enforcement officials may use force and firearms. According to these principles, which have been accepted internationally, law enforcement officials shall only use firearms if other means remain ineffective or without any promise of achieving the intended result. Firearms may be used against people only after giving warning, in order to prevent death or serious injuries, where less extreme means are insufficient to achieve such objectives. In doing so, law enforcement officials must respect and preserve human

life, and minimize damage and injury. Firearms may only be used in the dispersal of violent assemblies when less dangerous means are not practicable and only to the minimum extent necessary. The precise provisions of Principles 4, 5, 9, 10 and 14 are reproduced in an Appendix to this letter.

AI also urges the institution of a thorough review of the current training and deployment of law enforcement officers involved in crowd control. It calls on your government to take all necessary measures to ensure that the police are adequately equipped and trained to employ legitimate non-lethal methods of crowd control and moreover, are subject to strict regulations regarding the use of such methods, and to a strict system of accountability.

All regulations and training on the use of firearms by law enforcement officials should be reviewed and, where necessary, amended, so as to ensure clarity and conformity with international minimum standards and to protect, to the greatest extent possible, the lives, physical integrity and safety of the public.

AI is concerned about allegations that

- in the days immediately preceding the G8 summit, some protestors with apparently peaceful intent were not allowed to enter Italy or were expelled and not allowed to proceed to Genoa, thus violating their rights to freedom of expression and assembly. There are also allegations that in incidents at the Port of Ancona some such protestors were subjected to ill-treatment by law enforcement officers.

On Thursday, 19 July some 130 Greek citizens who had travelled to Italy with the intention of joining in protests surrounding the G8 summit in Genoa, were forcibly deported by the Italian authorities. On Saturday, 21 July the Greek Foreign Ministry categorically denied claims by the Italian authorities that weapons and dangerous objects had been found in the coaches carrying the protestors, thus justifying their deportation. Many of those expelled, including the Chair of the Greek Section of AI, reported that law enforcement officers subjected them to gratuitous violence, kicking them and hitting them with batons. AI notes that the Italian authorities have stated that some demonstrators had attacked law enforcement officers, inflicting injuries;

- law enforcement officers used excessive force on the streets during demonstrations which took place on Friday 20 and Saturday, 21 July, inflicting indiscriminate assaults, including beatings with batons, on -- amongst others -- non-violent protestors and journalists reporting on the demonstrations;

- during a police raid carried out on buildings being legally occupied by the Genoa Social Forum (GSF) in the early hours of Sunday, 22 July law enforcement officers subjected individuals detained in and around the GSF buildings, many of them

asleep when the raid started, to deliberate and gratuitous beatings, resulting in numerous injuries, some of them requiring urgent hospitalization and in some cases surgical operations. Up to 20 people were reportedly carried out of the building on stretchers, two of them apparently in a coma;

- dozens of people were subjected to arbitrary and illegal arrest and detention, including the majority of those detained during the raid on the Genoa Social Forum;

- during transfer in police vehicles and inside detention facilities law enforcement and prison officers subjected individuals to beatings and other cruel, inhuman and degrading treatment. It has been claimed, amongst other things, that detainees were slapped, kicked punched and spat on, subjected to verbal abuse, sometimes of an obscene sexual nature, were deprived of food, water and sleep for lengthy periods, made to line up with their faces against the wall and remain for hours spreadeagled, with their hands in the air or against the wall, and beaten, in particular on parts of their bodies already injured during arrest if they failed to maintain this position. Those forced to maintain this position allegedly included those who had already suffered hand and arm injuries. Some detainees were apparently threatened with death and, in the case of female detainees, rape;

- many people were denied the internationally-recognized rights of people deprived of their liberty, in some cases for several days, including denial of prompt access to lawyers and, in the case of foreigners, consular officials, and denial of prompt and adequate medical care. In addition, many were not allowed to have their relatives promptly notified of their whereabouts and were not informed of their rights.

In view of these allegations, AI welcomed the news of the opening by the Genoa Prosecutor's Office of criminal investigations into the conduct of law enforcement and prison officers during the G8 summit in Genoa, in addition to the criminal investigation into the fatal shooting of Carlo Giuliani on 20 July.

It is AI's understanding that one investigation concerns the conduct of law enforcement officers during the street demonstrations, that another concerns their conduct during the raid on the Genoa Social Forum offices on 22 July and that a third concerns the allegations of cruel inhuman and degrading treatment and the violations of the other rights of people deprived of their liberty in police stations, detention facilities and during transportation.

AI would welcome the cooperation of your government in providing the organization with clarification as to the precise number and remit of the criminal investigations. AI would also be grateful to be informed of the nature of any official investigations opened into the conduct of the police during the incidents in the Port of Ancona on 19 July. AI would similarly welcome information about any investigations which have been initiated into the role of undercover police officers during the G8 demonstrations in Genoa.

Although AI welcomes the initiation of these criminal investigations by the Italian judicial authorities, given the scale and gravity of the allegations still emerging, the large number of foreign nationals making the allegations and the consequent very high level of domestic and international concern, in the organization's view the criminal investigations are unlikely to provide an adequate response.

Last week AI publicly and strongly advocated, therefore, the establishment of an independent commission of inquiry, comprising people of acknowledged probity and impartiality, to carry out a comprehensive investigation into the conduct of law enforcement and prison officers acting in the context of G8, with its scope, methods and findings made public.

AI would also recommend that:

- the commission should be given jurisdiction to take evidence from people alleging that they have been ill-treated by law enforcement and prison officers, and that such people be protected against harassment and intimidation and from prosecution for the substance of any allegations made about specific instances of ill-treatment;

- the commission should also be empowered to summons and take evidence from law enforcement and prison officers as well as relevant administrators, and to subpoena relevant evidence and records;

- the commission should file interim reports to facilitate the prompt initiation of any appropriate criminal or disciplinary proceedings, identifying specific instances and individuals whenever possible. These reports should also facilitate prompt amendments to regulations, laws, training and procedures relevant to law enforcement and prison officers;

- the commission should be given the authority to recommend that criminal prosecutions or disciplinary proceedings be brought against any officers against whom there is substantive evidence that they have engaged in torture, cruel, inhuman or degrading treatment or used excessive force.

In urging the Italian government to establish an independent commission of inquiry, AI wishes to underline its belief that prompt, independent, impartial and effective investigations, with the scope, methods and findings made public, serve to protect the reputations of law enforcement and prison officers who may be the subject of unfounded accusations of excessive force, torture or cruel, inhuman or degrading treatment, as well as to safeguard the interests of genuine victims of torture or ill-treatment.

Copies of this letter are being sent to the President of the Republic and to the Ministers of Interior, Defence, Finance and Justice, for their information.

Yours sincerely,
Kate Gilmore
Interim Secretary General

APPENDIX**United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**

Principle 4 states:

“Law enforcement officials, in carrying out their duty, shall as far as possible apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.”

Principle 5 states:

“Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- a) exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- b) minimize damage and injury, and respect and preserve human life;
- c) ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
- d) ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.”

Principle 9 states:

“Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”

Principle 10 states:

“In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.”

Principle 14 states:

“In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.”

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